

United States District Court

For the Northern District of California

10 STANLEY LEVINE, et al.,

11 No. C 12-03959 WHA

12 Plaintiffs,

13 v.

14 THE ENTRUST GROUP, INC., et al.,

**15 Defendants.** / **ORDER FOR ADDITIONAL  
BRIEFING ON SUBJECT  
MATTER JURISDICTION**

16 Plaintiffs' amended complaint bases federal jurisdiction on the Class Action Fairness Act  
17 and 28 U.S.C. 1332(d), which codified part of the Act. The Class Action Fairness Act excepts  
18 from federal jurisdiction class actions that are so-called "local controversies." Under the local  
19 controversy exception, a district court shall decline to exercise jurisdiction:

- 20 (i) over a class action in which–
  - 21 (I) greater than two-thirds of the members of all proposed plaintiff  
22 classes in the aggregate are citizens of the State in which the action  
was originally filed;
  - 23 (II) at least 1 defendant is a defendant–
    - 24 (aa) from whom significant relief is sought by members of the  
25 plaintiff class;
    - 26 (bb) whose alleged conduct forms a significant basis for the  
claims asserted by the proposed plaintiff class; and
    - 27 (cc) who is a citizen of the State in which the action was  
28 originally filed; and

(III) principal injuries resulting from the alleged conduct or any related conduct of each defendant were incurred in the State in which the action was originally filed; and

(ii) during the 3-year period preceding the filing of that class action, no other class action has been filed asserting the same or similar factual allegations against any of the defendants on behalf of the same or other persons

28 U.S.C. 1332(d)(4)(A). In light of the new allegations in plaintiffs' complaint, parties shall submit briefs on whether the local controversy exception applies to the instant action, and if so, whether any other basis for federal jurisdiction applies.

The parties shall submit briefs not to exceed ten pages by **NOON ON FRIDAY, FEBRUARY 15, 2013**. Simultaneous replies not to exceed three pages will be due by **NOON ON THURSDAY, FEBRUARY 21**. The hearing will go forward as scheduled at **8:00 A.M. ON THURSDAY, FEBRUARY 28**.

## **IT IS SO ORDERED.**

Dated: February 7, 2013.

**WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE**